

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|----------------------------|---|---------------------------|
| KELLY A. JOHNSON and |) | CIVIL ACTION NO. 10-10598 |
| KENT C. ERSKINE, |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| M/V ODYSSEY, |) | |
| PREMIER YACHTS, INC., |) | COMPLAINT and |
| d/b/a ODYSSEY CRUISES, and |) | DEMAND FOR JURY TRIAL |
| ENTERTAINMENT CRUISES, |) | |
| Defendants. |) | |

INTRODUCTION

1. This is an action for maritime personal injuries which occurred on or about April 12, 2009 while the Plaintiff, Kelly A. Johnson, was a passenger aboard the M/V ODYSSEY, which was owned, operated, chartered and/or controlled by the Defendants. The Plaintiffs assert a cause of action against each Defendant for personal injuries based upon negligence, loss of consortium, and a cause of action for punitive damages, all claims brought under the General Maritime Law.

JURISDICTION AND VENUE

2. This is a maritime case being brought pursuant to 28 U.S.C. § 1333(1).

3. Venue is proper pursuant to 28 U.S.C. § 1391(c).

PARTIES

4. The Plaintiff, KELLY A. JOHNSON, is of legal age and resides in North Attleboro, Massachusetts.

5. The Plaintiff, KENT C. ERSKINE, is of legal age and resides with his wife in North Attleboro, Massachusetts.

6. The Defendant, PREMIER YACHTS, INC. d/b/a ODYSSEY CRUISES, is a Delaware corporation with a principal place of business at 401 E. Illinois Street, Suite 310 in Chicago, Illinois and, at all relevant times, owned, maintained, financed, managed, operated, chartered and/or controlled the vessel known as the M/V ODYSSEY having a Vessel Identification Number of 966647.
7. The Defendant, ENTERTAINMENT CRUISES, is a Delaware corporation with a principal place of business at 401 E. Illinois Street, Suite 310 in Chicago, Illinois and, at all relevant times, owned, maintained, financed, managed, operated, chartered and/or controlled the vessel known as the M/V ODYSSEY having a Vessel Identification Number of 966647.

FACTUAL ALLEGATIONS

8. On April 12, 2009, the Plaintiff, KELLY A. JOHNSON, was a passenger on a cruise aboard the M/V ODYSSEY which was transporting passengers for hire for purposes of an "Early Easter Brunch Cruise." The said vessel was in navigable waters and while the Plaintiff was in the exercise of due care, she sustained serious personal injuries due to the negligence of the Defendants, their agents, servants and/or employees.
9. Specifically, the Defendants failed to maintain, warn, and/or restrict access to a defective and/or hazardous stairway upon which Plaintiff was caused to slip, fall, and sustain severe personal injuries including a miscarriage.

COUNT I

Kelly A. Johnson v. Premier Yachts, Inc. d/b/a Odyssey Cruises
(General Maritime Law – Negligence)

10. Paragraphs 1-9 are realleged and incorporated herein by reference.
11. The injuries sustained by the Plaintiff were due to no fault of her own, but were caused by the negligence of the Defendant.

12. As a result of said injuries, the Plaintiff has suffered great pain of body and anguish of mind, incurred medical and hospital expenses, loss of time from her usual work, a miscarriage, and has suffered and will suffer other damages as will be shown at the trial of this matter.
13. This cause of action is brought for Negligence under the General Maritime Law.

REQUEST FOR RELIEF

14. That this Court, under Count I, enter judgment in favor of the Plaintiff against the Defendant.
15. For such other relief as this Court deems appropriate.

COUNT II

Kent C. Erskine v. Premier Yachts, Inc. d/b/a Odyssey Cruises
(General Maritime Law – Loss of Consortium)

16. Paragraphs 1-15 are realleged and incorporated herein by reference.
17. At all times relevant herein the Plaintiff was married to the Plaintiff, Kelly A. Johnson.
18. As a result of the Plaintiff, Kelly A. Johnson's, injury, Kent C. Erskine has been deprived of his wife's services, support, society, affection, companionship, and familial relations.
19. As a result of the Plaintiff, Kelly A. Johnson's, injury, Kent C. Erskine has been deprived of the child that his wife was carrying at the time of her injury.
20. This cause of action is brought for Loss of Consortium under the General Maritime Law.

REQUEST FOR RELIEF

21. That this Court, under Count II, enter judgment in favor of the Plaintiff against the Defendant.
22. For such other relief as this Court deems appropriate.

COUNT III

Kelly A. Johnson v. Premier Yachts, Inc. d/b/a Odyssey Cruises
(General Maritime Law – Punitive Damages)

23. Paragraphs 1-22 are realleged and incorporated herein by reference.
24. The conduct of the Defendant demonstrated willful, wanton and reckless behavior and a conscious disregard for the Plaintiff's rights and safety.
25. This cause of action is brought under the General Maritime Law for punitive damages.

REQUEST FOR RELIEF

26. That this Court, under Count III, enter judgment in favor of the Plaintiff against the Defendant.
27. For such other relief as this Court deems appropriate.

THE PLAINTIFFS REQUEST TRIAL BY JURY ON ALL COUNTS

Respectfully submitted,
Plaintiffs,
By their attorneys,

/s/ John J. Bromley
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